



SCHOOL PEST MANAGEMENT

Wisconsin Department of Agriculture, Trade and Consumer Protection

Frequently Asked Questions About School IPM Pesticide Use on Public School Grounds

- Definitions
- Pesticide use requirements for public K-12 schools; with examples
- Applicability of the pesticide use law
- Responsibilities of the school board and pesticide applicator
- Product labels
- Exemptions from the law
- Certification categories
- Licensing of certified applicators
- Hiring a commercial applicator
- Warning signs: responsibilities for posting, sign placement, restricted entry
- Record keeping
- Integrated pest management (IPM)

Pesticide Law

Wisconsin's School Pesticide Use Law (s. 94.715, Wis. Stats.) guides the use of pesticides on public school property.

DEFINITIONS

Wisconsin statute defines "pesticide" as:

s. 94.67(25), Wis. Stats.

(25) "Pesticide" means any substance or mixture of substances labeled or designed or intended for use in preventing, destroying, repelling or mitigating any pest, or as a plant regulator, defoliant or desiccant.

In essence, a pesticide is any substance commercially used or distributed with the claim to be useful in controlling a pest.

"Pests" are organisms that are present in *enough number or concentration* to cause negative human health impacts or property

damage that either lowers the property's economic value or it's attractiveness. Pests can include insects, rodents, weeds, fungus, bacteria, and mold. The mere presence of a species of plant or animal does not necessarily require action. The number of pests present and their measured effect on health or property determines whether they are actually a problem that requires action using IPM methods.

Many pesticides are sold to the general public at grocery stores, hardware stores, home and garden stores, and many others. These products can include ant and roach baits, aerosol insect killers, herbicides, and weed and feed products. Regardless of the amount used, where they were purchased or whether they are commonly used at home, use of these materials on public school grounds is regulated.

“Pesticide” is the broad category that includes many subcategories including but not limited to

- herbicides (plants)
- fungicides (fungi and molds)
- rodenticides (rodents)
- termiticides (termites) and
- algaecides (algae)

Common products that are ‘pesticides’ include:

- Baits
 - Ant
 - Cockroach
 - Rodent
 - Containerized
 - Gel
 - Liquid
- Herbicides
 - Weed and Feed Products (fertilizer with weed control)
 - Round-up® (glyphosate)
- Aerosol sprays that kill, repel or otherwise control such as ant & wasp spray
- Insect growth regulators

School Grounds

Areas defined as “school grounds” include all real estate and structures owned and/or operated, rented or by other formal agreement gives property access rights and control to the school district. Examples may include but are not limited to:

- classrooms,
- athletic fields,
- playgrounds,
- school forests,
- privately and publicly owned land leased by or donated to the school/school district.

The definition of “school grounds” is a function of ownership and/or control and it applies whether or not children are ever present on the property.

Exemptions

Even though children are never present on a particular property that the school district owns, these grounds are not exempt. One example is an off-site school kitchen facility. Because the food service operation is owned and/or operated by the school, it is covered by this law.

Exclusions to the “school grounds”

Land owned by the school, but leased or otherwise consigned to non-school occupants and not used for official public school activities. An example is school-owned land that is rented for cropland by a farmer.

PESTICIDE USE LAW

REQUIREMENTS (s. 94.715, Wis. Stats.)

94.715 Pest management for schools.

(1) DEFINITIONS. In this section:

(e) “Pesticide” has the meaning given in s. 94.67 (25), except that “pesticide” does not include a germicide, sanitizer, or disinfectant.

(2) REQUIREMENTS FOR SCHOOL BOARDS. A school board shall do all of the following:

(dm) Authorize pesticide application in a school or on school grounds to be conducted only by persons who are certified in the applicable pesticide use categories under s. 94.705.

(g) Post notice of each pesticide application in a school or on school grounds at the time of the application and for at least 72 hours following the application. **History:** 2001 a. 16.

Examples of Pesticides Used on Public School Grounds

<i>Type of treatment</i>	<i>Product/Use Criteria</i>	<i>s. 94.715, Wis. Stats, Applies?</i>
Ant bait placed in the school kitchen	Product is labeled and marketed to <i>attract and kill</i> ants and is registered by EPA.	Yes
Black Flag™ flying insect spray	Product is labeled and marketed to <i>kill</i> wasps and is registered by EPA	Yes
Off! Botanicals™ Plant-based Insect Repellent applied to skin	Product is labeled and marketed for the purpose of <i>repelling</i> insects, and is registered by EPA.	No, if it is applied by school personnel authorized to administer medications, or by the individual to oneself.
Roach bait	Product is labeled and marketed to <i>attract and kill</i> roaches and is registered by EPA.	Yes
Dish soap solution used to kill aphids on classroom plants.	Product is not registered with EPA, is made on the premises as a ‘home remedy’ and used to <i>kill</i> aphids on plants.	No
Acetic acid (vinegar) solution to control weeds	Product is not registered with EPA and is made on the premises as a ‘home remedy’ to <i>kill</i> weeds. Be aware that some acetic acid products are registered by EPA. As with all chemicals, always read the label.	No
Corn gluten meal	Corn gluten meal is defined by EPA as a “minimum risk <i>pesticide</i> ” under the Federal Insecticide, Fungicide and Rodenticide Act.	Yes
10% bleach solution to disinfect food service areas	The product is registered with EPA, used to <i>kill</i> microorganisms and is exempt from regulation by s. 94.715, Wis. Stats.	No

APPLICABILITY OF PESTICIDE USE LAW

The pesticide use law (s. 94.715, Wis. Stats.) applies to Wisconsin public schools grades kindergarten through 12 (K-12).

RESPONSIBILITIES

The school board and pesticide applicator share compliance responsibility. The school board is responsible to ensure that pesticides are applied by a properly certified applicator and that the treated area is posted at the time of and throughout the 72 hour posting duration.

Anyone may remove the sign after the posting duration is expired. It is important not to leave signs up after the posting duration is over, so people are not confused as to whether pesticides are present or not.

The certified pesticide applicator is responsible for applying pesticide properly, according to label directions and in compliance with associated health, safety and environmental laws and regulations.

PESTICIDE PRODUCT LABELS

The label content is the law. Label information serves several purposes: providing health, safety, and environmental protection. Each and every piece of information within the label is a requirement of law and must be followed without exception.

Label directions also guide the applicator to ensure effective use of the product. The idea “If a little is good, more is better” doesn’t work with pesticides. Label application rates must be followed. Applying more than recommended amounts can have an opposite effect than expected. One reason is that pests can become resistant to the pesticide; and, in some cases, such as with certain species of ants, those

that encounter the bait will die before they can return to their nest and pass the pesticide to the rest of the colony.

There are ONLY four circumstances in which one may deviate from the label information:

- application at a lesser frequency than listed on the label
- application of a lower concentration than listed on the label
- application to a non-target pest species provided the location of application is listed on the label
- application by methods not prohibited by the label information

EXEMPTIONS TO THE SCHOOL PESTICIDE USE LAW

- Sanitizers, germicides, and disinfectants need not be applied by a certified applicator, nor the treated area posted for this type of application.

Examples for sanitizers, germicides and disinfectants include:

- Routine Cleaning Products
 - Floor cleaners
 - Surface cleaners
 - Toilet sanitizers
 - Bleach
- Pool Maintenance Chemicals - Usually considered sanitizers, germicides, or disinfectants. If the label contains claims other than sanitizer, germicide or disinfectant, contact DATCP for clarification.
- Fertilizers without pesticides in them. (Weed and feed products ARE pesticides.)
- Rodent traps.
 - Glue traps
 - Snap traps
 - Mechanical traps

A Word About Home Remedies

Compounds and solutions made by the end user, that do not contain a pesticide registered by EPA and are not offered or distributed to any other person, to kill, repel, control or otherwise mitigate a pest, (that is, they are not promoted by label or advertisement to have these effects) are NOT regulated pesticides when used on public school grounds. **Note!** There may be other laws that apply when using any chemical product at school. Read the label and understand the requirements for effective and safe use of *any product*.

- **Repellants** may be applied by an uncertified individual who is medically licensed (per ch. ATCP 29.25, Wis. Adm. Code) or to oneself.
- **Easements** -- Though not required, schools may want utilities or others with easements through school grounds to notify the school when pesticides are going to be applied in the easements. School administrators may want to anticipate this possibility and ask for advance notice of those applications.

CERTIFICATION CATEGORIES

The category chosen for certification depends on the area to be treated. Generally, schools are obtaining category 3.0, for 'turf and landscape' and the 7.1 category for 'structural' pest control. Others that may be applicable are: forest (for school forest applications), right-of-way, greenhouse, aquatic. There are over 20 categories and multiple categories might be required, depending on the areas to be

treated; schools are responsible for determining their appropriate category(ies). To determine what category fits the application type, contact the Department of Agriculture, Trade and Consumer Protection at 608-224-4560/608-224-4547 or visit the Web site at:

http://www.datcp.state.wi.us/arm/agriculture/pest-fert/pesticides/licenses/comm_app_cert.html

LICENSING OF PUBLIC SCHOOL PERSONNEL APPLYING PESTICIDES

Certified 'not-for-hire' pesticide applicators, who are employed by schools must obtain a pesticide applicator license in addition to their required certification. However, they are exempt from paying a license fee.

COMMERCIAL APPLICATORS FOR HIRE

To choose a licensed and certified business for pest control needs, visit http://ipcm.wisc.edu/programs/school/section_1/hiringpro.htm.

Wisconsin rules require that both the school, as a consumer, and the commercial application business share responsibility for legal use of pesticides on school grounds. Commercial application businesses must offer the school a copy of the label, the amount used, location and reason for the application and other information specified in ch. ATCP 29 Wis. Adm. Code. If a Restricted Entry Interval (REI) is required, the applicator is required to ensure the REI sign is posted. Removal of the REI sign is the school's responsibility. See the examples on page 6 of this document or ch. ATCP 29 Appendix D, Wis. Adm. Code for an illustration of the REI sign.

WARNING SIGNS

Responsibilities

s. 94.715, Wis. Stats. requires the school board to ensure proper signs are posted for 72 hours.

Posting Warning Signs

There are two signs required for use by schools for pesticide application postings. The third sign is for an "REI" (see Re-entry Interval, page 7).

AREA TREATED
WITH PESTICIDES
ON (date and time.)

Do not remove
this sign for 72 hours
following this
application.
For more information
on
this pesticide
application,
contact (name)
(phone).

The "school sign" for use indoors or on perimeter/barrier treatments (outside, around & within 10 feet of the foundation). Post this sign for 72 hours.

The "lawn sign" looks like this and is used outdoors. Specifications for this sign's content are found in Chapter ATCP 29, Wis. Adm. Code, Appendix B. This sign must be posted for 72 hours.



AREA TREATED
WITH
PESTICIDES

DO NOT ENTER

Less common than the school and landscape signs, the Restricted Entry Interval (REI) sign for pesticides with REI's on their labels looks like this. The content of this sign is specified in Chapter ATCP, Wis. Adm. Code, Appendix D.

The REI sign should be posted for the duration specified on the label. When the REI is complete, post the appropriate school (indoor) or landscape (outdoor) sign for the remainder of the 72 hour duration.

Remove signs after the required posting duration is complete so people do not become complacent about the presence of pesticides.

Sign Placement

Signs must be posted at the time of application and 72 hours thereafter. Locations are dictated in Ch. ATCP 29, Wis. Adm. Code as “at normal points of access to the application site”. With exception of the REI (see below), distances are not specified in the rules. The school is responsible for ensuring that the sign can be seen by an individual prior to their entering a treated area. School personnel should anticipate probable areas of entry and post those locations. Example for a barrier treatment: at a minimum, post the walk-paths that approach the building at the point where the grass has been treated and place signs inside all perimeter doors leading out of the building. This includes the posting of emergency exits that could be opened for reasons like routine maintenance.

Re-entry Interval (REI)

Very few pesticides have REI's listed on their labels. An REI is the duration of time after the end of a pesticide application during which entry into the treated area is restricted according to that pesticide's label directions. The REI will likely be shorter than the full 72 hour posting period required for all pesticide applications on public school grounds. When the REI is expired, the REI warning sign must be removed and people may access the area; but, the remainder of the 72 hour posting requirement must be met using the school or landscape sign, as appropriate.

RECORD KEEPING REQUIREMENTS FOR SCHOOLS.

Record keeping is not required by schools. But, schools are encouraged to maintain records of pesticide applications including product choice, pest treated, and date and

time of the application. This will help track long-term pest problems to highlight the potential need for alternate action and demonstrate that applications are done properly in case anyone expresses concern about the reasons for, types and quantities of pesticide used.

IPM

IPM is a systematic approach to controlling pests by relying on an effective combination of common-sense practices that eliminate favorable conditions for insects, rodents, weeds and other unwanted organisms. With few exceptions, living things do not thrive without a nearby source of food, moisture, and shelter. By maintaining buildings and keeping plants such as gardens, lawns, turf on playing fields, greenhouses, and school forests healthy, pest populations may be reduced with minimal need for pesticide products. When public schools use pesticides as a choice of pest control in the context of an IPM program, there are regulations governing their use (see previous sections).

School Pesticide Use Law and IPM

Integrated Pest Management (IPM) is a decision-making process that reduces the risks of pests by applying a range of cultural, mechanical, biological and, when necessary, chemical, pest management methods. Pesticide use is one of those methods and is regulated by the Department. Other aspects of IPM include: monitoring for the type, quantity and problems associated with a given pest, eliminating the habitat that attracts a pest, such as sealing building openings for rodents and insects, and maintaining healthy turf to crowd out weeds.

Integrated Pest Management (IPM) only involves pesticide use when non-pesticide methods fail. When pesticides are to be used on public school grounds, the school pesticide use law applies (s. 94.715, Wis. Stats.)

For more information on the use of integrated pest management to control pests in Wisconsin's public schools or to find out more about Wisconsin's law on pesticide use in schools, please contact:

School IPM Program Coordinator
Wisconsin Department of Agriculture, Trade and Consumer Protection
PO Box 8911
Madison WI 53708-8911
Phone: 608-224-4547
Fax: 608-224-4656
E-mail: agriculture@datcp.state.wi.us
School IPM website:
http://www.datcp.state.wi.us/arm/agriculture/pest-fert/pesticides/school_ipm.html

October 2003